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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,013	10/17/2001	Shuhei Kato	100341-00016	3791

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,013

Applicant(s)

KATO, SHUHEI

Examiner

Christopher S. McCarthy

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6,9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: response to arguments.

DETAILED ACTION

1. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Green et al U.S. Patent 6,496,881, as cited in prior office action, which was mailed on 12/21/2004.
2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green, as cited in prior office action, which was mailed on 12/21/2004.
3. Claims 5 and 6 allowed, as cited in prior office action, which was mailed on 12/21/2004.
4. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as cited in prior office action, which was mailed on 12/21/2004.
5. Claims 9 and 10 are allowed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2113

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Green et al U.S. Patent 6,496,881.

As per claim 1, Green teaches an information processing apparatus to which a memory cartridge having a program memory is attached (column 4, lines 25-39), comprising: a system bus which is connected to said program memory upon attaching said memory cartridge (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means for shutting down said information processing apparatus into an off-state when said error is detected (column 3, lines 18-26; column 6, lines 6-9).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green.

As per claim 7, Green teaches a device, comprising: a system bus which is connected to program memory upon attaching a memory cartridge having a program memory (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means for shutting down said game device into an off-state when said error is detected (column 3, lines 18-26). Green does not explicitly teach the device to be a home-use game device and the program to be a game program. "Official Notice" is taken that it would be obvious to combine the fault tolerant computer system of Green to the home-use game device of the present invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fault tolerant computer system of Green to the home-use game device of the present invention because the advantages of a fault tolerant computer system can be implemented in any computer system and a home-use game device comprising a processor and a memory constitutes a computer system.

As per claim 8, Green teaches a device, comprising: a system bus which is connected to said program memory upon attaching a memory cartridge having a program memory (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means for shutting down said karaoke device into an off-state when said error is detected (column 3, lines 18-26). Green does not explicitly teach the device to be a home-use karaoke device and the program to be a karaoke program. "Official Notice" is taken that it would be obvious to combine the fault tolerant computer system of Green to the home-use karaoke device of the present invention. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the fault tolerant computer system of Green to the home-use karaoke device of the present invention because the advantages of a fault tolerant computer system can be implemented in any computer system and a home-use karaoke device comprising a processor and a memory constitutes a computer system.

Allowable Subject Matter

8. Claims 5, 6, 9, and 10 are allowed.
9. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 4/18/05 have been fully considered but they are not persuasive.

The applicant has amended the claims and has argued that Green does not teach shutting down an apparatus into an off-state upon a detected error. The examiner respectfully disagrees. The applicant has argued that Green resets the computer system and then searches for another processor to boot the system upon the next reset. The applicant further contends that the present invention does not search for another processor, but merely shuts down the system. The extra step of searching for a processor, as taught by Green, is irrelevant to the argument. The added step does not take away from the teaching of the present invention claim language of shutting down the computer system. Furthermore, the examiner keeps the contention from the earlier

Art Unit: 2113

office action that resetting a computer system is inclusive of shutting down a system before powering it back up. Green suggests this assimilation many times in the reference, i.e., column 7, lines 46-50 teaches a power up sequence as the equivalent of a initial system reset. A “power up sequence” implies that the system was powered down prior to this action. Green further teaches that another reset of the system is performed every time a faulty processor fails to boot the system (column 6, lines 6-23). So equivalently, each reset upon the detection of a faulty processor results in the system powering (shutting) down into an off-state, even if the off-state is for a very short duration, before again powering up.

In view of the above arguments, the rejected claims stand rejected at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/978,013

Page 7

Art Unit: 2113

csm

June 15, 2005

A handwritten signature in black ink, appearing to read "Robert Beausoliel", with a stylized flourish at the end.

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100